

### REMARKS

Reconsideration of the application is requested.

Claims 26 and 30-34 are now in the application. Claims 26 and 30-34 are subject to examination. Claim 26 has been amended. Claims 30-34 have been added. Claims 27, 28, and two claims identified as claim 29 have been canceled to facilitate prosecution of the instant application.

An RCE has been filed concurrently with this amendment.

Under the heading "Claim Rejections – 35 USC§103" on page 3 of the above-identified Office Action, claims 26-31 have been rejected as being obvious over U.S. Patent No. 6,470,079 B1 to Benson in view of U.S. Publication No. 2003/0220866 A1 to Pizaris-Henderson under 35 U.S.C. §103. Applicant respectfully traverses.

The preamble of claim 26 has been amended to more accurately reflect the steps described therein. Support for the changes to the preamble is inherent in the claim as previously presented. The preamble of claim 26 now defines a method for tracking an effectiveness of an advertisement and for routing a telephone call placed in response to the advertisement.

Applicants point out that claim 26 specifies that the advertisement includes both a telephone number and an identification code, and that the potential customer is enabled to input both the telephone number and the identification code into the telecommunications network.

With regard to claim 26, the Examiner has alleged that Benson teaches:

obtaining the identification code from the telecommunications network and using the identification code to update a database, which is accessible by the particular one of the plurality of vendors, in order to obtain performance information indicating the effectiveness of the advertisement.

Benson, however, does not teach such a step. Benson teaches that the data collector 113 accumulates the calling information associated with the directory numbers and that the data collector 113 forwards the calling information to a web server (see column 5, line 59 - column 6, line 4). This calling information can be the calling party's directory number, the called party's directory number, the time and date that the call was placed, whether the call was connected successfully, the duration of the call, whether the called party's connection was busy, whether the called party did not answer, or any other information related to the call (see column 4, line 62 – column 5, line 10). Just so there is no confusion, applicants point out that Benson also refers to the called party's

telephone number as a directory number and a campaign number (column 5, lines 42-44).

Importantly, the only information that is entered into the network by the calling party is the called party's telephone number. Benson teaches using the called party's telephone number to update a database, but does not teach obtaining an identification code from the telecommunications network and using the identification code to update a database. Since the Examiner has incorrectly alleged that Benson teaches the step of claim 26 copied above, even if there were a suggestion to combine the references, the invention as defined by claim 26 would not have been obtained as the Examiner has alleged.

Applicants point out that two claims were mistakenly numbered as claim 29 in the previously filed amendment. Claim 27, claim 28, and both claim 29's have been canceled so that four new claims can be presented without an additional fee.

Claims 31-34 have been added to even further distinguish the invention from the prior art. Support for claims 31-34 can be found by referring to paragraphs 127 - 129 of the specification.

Claim 31, inter alia, defines a step of performing the step of selecting the particular one of the plurality of vendors and routing the telephone call to the particular one of the plurality of vendors based at least in part on the

geographic limitation specified by the identification code.

Similarly, claim 32 specifies that the step of selecting the particular one of the plurality of vendors and routing the telephone call to the particular one of the plurality of vendors is at least partly based on a geographic limitation that is specified by the identification code.

With regard to the first canceled claim 29, the Examiner has cited column 3, lines 52-67, column 4, lines 1-13 and 62-67, and column 5, lines 1-17 of Benson. Importantly, columns 3 and 4 of Benson merely teach that the well known three digit area code (xxx) of a ten digit telephone number is associated with a geographical area. Columns 3, 4 and 5 of Benson do not teach anything related to a geographic limitation that is specified by an identification code that is input in addition to a telephone number, wherein the geographic limitation is used to select one of a plurality of vendors and route a telephone call.

Pisaris-Henderson et al. are also silent on a geographic limitation that is specified by an identification code that is input in addition to a telephone number, wherein the geographic limitation is used to select one of a plurality of vendors and route a telephone call. There is not even a remotely viable argument that the invention as defined by claims 31 and 32 is taught or suggested by the cited prior art.

Applicants respectfully ask the Examiner to review the teachings in Benson and Pizaris-Henderson et al., but now with regard to the invention as defined by claims 31 and 32.

Claim 33 specifies performing the step of selecting the particular one of the plurality of vendors and routing the telephone call to the particular one of the plurality of vendors based on a financial range provided by the potential customer.

Benson is silent on using a financial range to select a vendor and to route a telephone call. Pizaris-Henderson et al. are also silent on using a financial range to select a vendor and to route a telephone call. The invention as defined by claim 33 is not taught or suggested by the prior art.

Claim 34 specifies that the identification code is a consumer category code associated with the plurality of vendors. Neither Benson nor Pizaris-Henderson et al. teach placing an advertisement that includes an identification code, which is a consumer category code associated with the plurality of vendors. Benson teaches associating a telephone number with only one specific vendor. There is no teaching of any type of additional identification code. Pizaris-Henderson et al. teach using additional numerical codes to identify advertisements or to relate a number of advertisements to a single telephone line (paragraph 42). There is, however, no teaching of a consumer category code that is associated with the plurality of vendors.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 26. Claim 26 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 26.

In view of the foregoing, reconsideration and allowance of claims 26 and 30-34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) in the amount of \$555.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Appl. No. 10/710,852  
Reply to Office Action of August 25, 2008  
Amdt. Dated February 25, 2009

Respectfully submitted,

/Mark P. Weichselbaum/  
Mark P. Weichselbaum  
(Reg. No. 43,248)

MPW:cgm

February 25, 2009

Lerner Greenberg Sterner LLP  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: (954) 925-1100  
Fax: (954) 925-1101